REMARKS

Claims 6-9, 19-29, and 32-36 are pending. As discussed, the claims have been limited to compositions and methods where (B) is lactic acid. The claims as encompassing the previously-elected species "lactic acid" were previously indicated as being allowable. To clarify the language of Claims 32 and 33, these claims are now presented in independent form. Favorable consideration and allowance of this application is respectfully requested.

Objection—Claim 31

Claim 31, previously directed to a method where (B) is lactic acid, was objected to as being dependent upon a rejected base claim. This objection is moot in view of the cancellation of Claim 31 and the placement of its limitations into independent Claim 6.

Rejection—35 U.S.C. §112, second paragraph

Claims 32 and 33 were rejected under 35 U.S.C. 112, second paragraph, as indefinite for use of the term "further comprising", since Claim 6 from which they had depended recited "consisting essentially of". As discussed, to clarify this language, these claims have been put in independent form. Accordingly, the Applicants respectfully request that this rejection be withdrawn.

Rejection--35 U.S.C. 103

Claims 6-9, 11-14, 19-29 and 32-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng et al., Chinese Pharm. J. 46:575 and Duffy, Lancet 354: 2048 (1999). This rejection is moot in view of the incorporation of the limitations of Claim 31--where (B) is lactic acid--into the independent claims.

Provisional Obviousness-type Double Patenting Rejections

Claims 6-9 and 19-29 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 2-6, 10-16, and 30-39 of copending application no. 09/922,694;

Claims 6-9, 11-14, 19-29 and 31 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 2-6, 10-16, and 30-39 of copending application no. 09/922,694, in view of U.S. Patent No. 4,981,852;

Claims 6-9 and 19-29 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 11-16 of copending application no. 10/632,810 or 10/826,289;

Claims 6-9, 11-14, 19-29 and 31 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 11-16 of copending application no. 10/632,810 or 10/826,289, in view of U.S. Patent No. 4,981,852;

Claims 6-9, 11-14, 19-29 and 31 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3 of copending application No. 10/810,611 in view of U.S. Patent No. 4,981,852.

PAIR indicates that none of the copending applications has, as yet, been allowed. Accordingly, the Applicants respectfully request that these provisional rejections be withdrawn upon an indication of allowability for the present application, see MPEP 822.01.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

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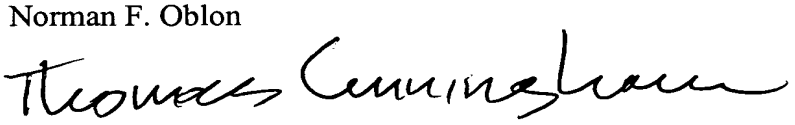

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